

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Registrant: 37 Degrees, Inc.

Registration No.: 2535611

Registration Date: February 5, 2002

Mark: 37 DEGREES

_____))
Strateq Capital Sdn. Bhd.,)

Petitioner,)

v.)

37 Degrees, Inc.,)

Registrant.)

Cancellation No. _____

PETITION FOR CANCELLATION

Strateq Capital Sdn. Bhd., a limited liability company incorporated in Malaysia with its principal address at No. 12, Jalan Bersatu 13/4, Petaling Jaya, Malaysia 46200 ("Petitioner"), believes it will be damaged by continued registration of U.S. Registration No. 2535611 for 37 DEGREES, and therefore petitions to cancel Registration No. 2535611.

37 Degrees, Inc., a corporation incorporated in California with an address at 366 Arkansas Street, San Francisco, California 94107 ("Registrant"), obtained a federal registration on the Principal Register for 37 DEGREES on February 5, 2002. Registration No. 2535611 covers "Business consulting services in the fields of information, high technology, e-commerce and e-business " in Class 35 and "Computer services, namely, creating, developing and maintaining

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websites for others; designing, developing and implementing network web pages for others; designing, up-dating, installing and maintaining computer software for others; and technical support services, namely, quality assurance control, troubleshooting and testing of computer hardware and software via in person, the telephone, e-mail and the internet" in Class 42.

As grounds for cancellation, Petitioner alleges that:

1. Petitioner is a leading technology company providing computer enterprise systems hardware and software, data center services, and information technology consulting services.
2. On May 14, 2015, Petitioner filed intent-to-use application Serial No. 86/630385 to register 37 DEGREES for "Development of computer hardware and software such as computer programming, computer system analysis, installation of computer software; maintenance of computer software, rental of computer software, rental of web servers, information technology consultancy, providing information on computer technology and programming via a web site, computer technology consultancy, computer software consultancy, computer software design, updating of computer software, software as a service (SaaS)," in Class 9.
3. Petitioner has amended its application to cover "Design and development of computer hardware and software such as computer programming, computer system analysis, installation of computer software; maintenance of computer software, rental of computer software, rental of web servers, information technology consultancy, providing information on computer technology and programming via a web site, computer technology consultancy, computer software consultancy, computer software design, updating of computer software, software as a service (SaaS) featuring software for healthcare providers to operate and manage their facilities and activities to provide care to patients," in Class 9.

4. Registrant's Registration No. 2535611 has been cited under Section 2(d) as a bar to registration of Petitioner's Application No. 86/630385.

5. Petitioner has standing to bring this cancellation action.

6. Registrant's Registration No. 2535611 for 37 DEGREES was registered on February 5, 2002.

7. Registrant's Registration No. 2535611 covers "Business consulting services in the fields of information, high technology, e-commerce and e-business" in Class 35 and "Computer services, namely, creating, developing and maintaining websites for others; designing, developing and implementing network web pages for others; designing, up-dating, installing and maintaining computer software for others; and technical support services, namely, quality assurance control, troubleshooting and testing of computer hardware and software via in person, the telephone, e-mail and the internet" in Class 42.

8. The specimen that Registrant submitted on August 1, 2012 to support renewal of Registration No. 2535611 consisted of what appears to be a copy of the front and back sides of a business card.

9. Upon information and belief, Registrant's Registration No. 2535611 is not and has not been based on use in United States commerce.

10. Upon information and belief, Registrant has not used and is not currently using the registered mark 37 DEGREES in United States commerce.

11. Upon information and belief, Registrant has abandoned the 37 DEGREES mark.

12. The continued registration of Registrant's 37 DEGREES mark creates statutory rights in Registrant in violation and derogation of the rights of Petitioner, resulting in harm,

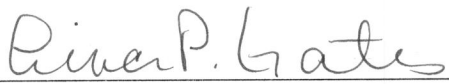
detriment and damage to Petitioner by denying and blocking Petitioner's application from proceeding to registration.

WHEREFORE, Petitioner Strateq Capital Sdn. Bhd. requests that this Petition for Cancellation be sustained in Petitioner's favor and that Registration No. 2535611 be cancelled.

Please charge the statutory filing fee of \$300.00, as well as any shortfall, missing or excess fee to Deposit Account No. 501-649, in the name of undersigned Attorneys for Petitioner.

Respectfully submitted,

Date: December 23, 2015


Strateq Capital Sdn. Bhd.
By One of Its Attorneys

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PROOF OF FILING AND SERVICE

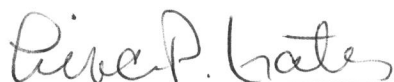
The undersigned certifies that the foregoing **Petition for Cancellation** is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to:

Commissioner for Trademarks
ATTN: TTAB
P.O. Box 1451
Alexandria, VA 22313-1451

With a copy sent to:

37 Degrees, Inc.
366 Arkansas Street
San Francisco, CA 94107

on this 23rd day of December, 2015.



Lisa Parker Gates